

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Case No. 00-80762

v.

Hon. John Corbett O'Meara

ANTOINE RAYFORD,

Defendant.

---

**ORDER DENYING DEFENDANT'S MOTION  
FOR MODIFICATION OR REDUCTION OF SENTENCE**

Before the court is Defendant Antoine Rayford's motion to modify his sentence pursuant to 18 U.S.C. § 3582(c)(2), filed July 23, 2008. The government submitted a response on October 9, 2008. Section 3582(c)(2) permits the court to modify the sentence of a defendant "who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o) . . ."

Rayford seeks a reduction in his sentence pursuant to § 3582(c)(2) and Amendments 706 and 711 to the United States Sentencing Guidelines, which reduced the base offense level for crack cocaine offenses retroactive as of March 3, 2008. These amendments to the Sentencing Guidelines do not offer Rayford relief, however, for two reasons. First, Rayford received the statutory mandatory minimum sentence of 120 months. Section 1B1.10(a) of the Sentencing Guidelines prohibits a sentence reduction in cases where the amendment "does not have the effect of lowering the defendant's applicable guideline range." USSG § 1B1.10(a)(2)(B) (Nov.

2008). Rayford has received the minimum sentence required by statute and, thus, the amendment to the Guidelines is not applicable to him.

Second, Rayford's offense was conspiracy to possess with intent to distribute heroin, not crack cocaine. Accordingly, the amendments to the Guidelines are not applicable to him for this reason as well.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of his sentence is DENIED.

s/John Corbett O'Meara  
United States District Judge

Date: December 4, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 4, 2008, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager